



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 28 अग्रेल, 2003/8 बैशाख, 1925

हिमाचल प्रदेश सरकार

[Authoritative English Text of Government Notification No. Rev-D (G) 6-8/2001, dated 24-8-2002 as required under Clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

NOTIFICATION

Shimla-2, the 24th August, 2002

No. Rev. D(G)6-8/2001.—WHEREAS the draft "Himachal Pradesh Lease (Amendment) Rules, 2002" were published in the Rajpatra (Extra-ordinary), Himachal Pradesh dated 2nd July, 2002 vide notification of even number dated 4th June, 2002 in pursuance of the provisions of section 13 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Act 18 of 1974) and section 26 of the Himachal Pradesh Ceiling on Land Holdings Act, 1972 (Act No. 19 of 1973) for inviting objections and suggestions from the persons likely to be affected thereby;

AND WHEREAS the objections and suggestions received within the stipulated period in respect of the said draft rules have been duly considered by the State Government:

NOW, THEREFORE, in exercise of the powers conferred by section 13 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Act No. 18 of 1974) and section 26 of the Himachal Pradesh Ceiling on Land Holdings Act, 1972 (Act No. 19 of 1973), the Governor of Himachal Pradesh is pleased to make the following rules, further to amend the Himachal Pradesh Lease Rules, 1993 notified vide this department notification No.

Rev. D(G) 6-33/86-II, dated 20th October, 1993 and published in Rajpatra (Extra-ordinary) on 5th November, 1993, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh Lease (Amendment) Rules, 2002.

(2) They shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. *Amendment of rule 4.*—In rule 4 of the Himachal Pradesh Lease Rules, 1993 (hereinafter referred to as the said rules):—

- (a) in clause (iii), after the words “handicapped person”, words, figure and sign” “having disability by more than 50%” shall be deleted.
- (b) in clause (vi), the word “and” after the sign “;” shall be deleted;
- (c) in clause (vii), for the sign “,” the sign “;” shall be substituted; and
- (d) After the existing clause (vii), the following clauses shall be added, namely :—

- “(viii) for the establishment of Commercial Unit or technical Unit relating to bio-technology, setting up of a green house or tissue culture unit, for self employment by un-employed individuals for any purpose;
- (ix) for the constructions of residential house by the landless bonafide Himachali or for the rehabilitation of sufferers of natural calamities;
- (x) to establish any unit sponsored under the Village and Khadi Board Industries by the individuals;
- (xi) any other welfare scheme sponsored by the Government of India/State Government;
- (xii) establishment of sports activities/Youth clubs/Mahila Mandals/any other person/ registered institutions for any community purpose; and
- (xiii) to promote the scientific activities by the individuals.”

3. *Amendment of rule 5.*—In rule 5 of the said rules:—

- (a) After proviso to clause (B), the following proviso shall be inserted, namely:—
- (a) After proviso to clause (B), the following second proviso shall be inserted, namely:—

“Provided further that the State Government may grant the lease of an area exceeding 20 bighas for public purpose in exceptional cases.”

- (b) After the existing clause (8), the following clauses shall be added, namely:—

“(9) Establishment of a commercial unit or technical unit relating to bio-technology like setting up of a green house, tissue culture unit for self-employment by un-employed individuals for any purpose;

According to the project/scheme as approved by the Government.

(10) For residential house

4 biswas

(11) for sports activities

Actual area required or two bighas whichever is less.

(12) Mahila Mandals/Youth clubs

4 biswas.”

4. *Amendment of rule 6.*—In clause (7) of rule 6 of the said Rules,—After the word “persons”, the words, figure and sign “having disability by more than 50%” shall be deleted.

5. *Substitution of rule 7.*—For the existing rule 7 of the said rules, the following rule shall be substituted, namely :—

“7. *Sanction of lease.*—The lease under these rules shall be sanctioned by the State Government for a period as it may deem fit :

Provided that the State Government shall not grant the lease of land in any case for a period exceeding 99 years.”

6. *Amendment of rule 8.*—In sub-rule (1) of rule 8 of the said rules :—

(a) in clause (x) after the word “persons” the words, figure and sign “having disability by more than 50%” shall be deleted ; and

(b) after clause (x), the following new clauses shall be added, namely :—

“(xi) Residential purposes by the landless bonafide Himachali/rehabilitation of sufferers of natural calamities/ Mahila Mandals/Youth Clubs.	5% of the latest highest market value of the land leased or double the average market value of five years, whichever is less;
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“(xii) Scientific activities by the individuals.	8% of the latest highest market value of the land leased or double the average market value of five years, whichever is less ;
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“(xiii) Any Welfare scheme sponsored by the Government of India/State Government, if executed by a Society registered under the Societies Registration Act, 1860, establishment of a sports activity by a society similarly registered and a registered institution for community purpose.	8% of the latest highest market value of the land leased or double the average market value of five years, whichever is less.”
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7. *Amendment of rule 13.*—In rule 13 of the said rules,—

(i) in sub-rule (1), the sign and words, “where he is not the sanctioning authority” shall be deleted.

(ii) in sub-rule (2), after the words and brackets “through Sub-Divisional Officer (Civil), for the words “Divisional Commissioner”, the words and bracket “Commissioner (Revenue)” shall be substituted.

(iii) for the existing sub-rule (3), the following rule (3) shall be substituted, namely,—

“(3) The Commissioner (Revenue) shall refer all the cases to the sanctioning authority through the Administrative Departments in relation to the justification and appropriateness for the grant of land on lease with their recommendations/report/comments.”

8. *Amendment of rule 20.*—In rule 20 of the said rules, for the words, “cancel the lease sanctioned by him and in other cases” the words, “cancel the lease” shall be substituted.

9. *Substitution of rule 26.*—For the existing rule 26, the following new rule 26 shall be substituted, namely,—

“26. *Review.*—(1) The orders passed by the Collector, Divisional Commissioner, Financial Commissioner and the State Government prior to the enforcement of the Himachal Pradesh Lease (Amendment) Rules, 2002 shall be subject to review by the State Government which may pass such orders on it as it may deem fit :

Provided that such an order shall not be modified or reversed unless reasonable opportunity has been given to the party(ies) effected thereby, of being heard either in person or through his/their legal representative in support of his/their claim.

(2) An application for review shall not be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the sanctioning authority that he had sufficient cause for not making the application within that period.”

10. *Substitution of rule 27.*—For the existing rule 27, the following new rule 27 shall be substituted, namely,—

“27. *Revision.*—The State Government may at any time call for the records of any case disposed of by the Collector or the Divisional Commissioner or Financial Commissioner, as the case may be, and pass such orders as it may deem fit :

Provided that such an order shall not be modified or reversed unless reasonable opportunity has been given to the party(ies) affected thereby, to appear, and be heard either in person or through his/their legal representative(s) in support of his/their claim(s).”

Amendment of para 9 of Form-C.—In Form-C appended to the said rules, in para 9,—

(a) after sub-para (18), the following shall be added, namely :—

“(19) If the lessee at any time intends to change the purpose for which land has been leased, State Government may permit the change of the purpose of the land so leased, in exceptional case subject to the condition that the changed purpose falls within the ambit of rule 4 of these rules.”

(b) In para 10 at the end, the following proviso shall be added, namely,—

“Provided further that before termination of the lease, an opportunity of being heard shall be given to the lessee and the Financial Institution shall also be informed about the same.”

By order,

RAVI DHINGRA,
F. C.-cum-Secretary.